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Attorneys for Defendant
NONGSHIM AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEPHEN FENERJIAN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

NONG SHIM COMPANY, LTD.;
NONGSHIM AMERICA, INC.; OTTOGI
COMPANY, LTD.; OTTOGI AMERICA,
INC.; SAMYANG FOODS COMPANY LTD.;
SAM YANG (U.S.A.) INC.; KOREA
YAKULT CO, LTD.; KOREA YAKULT CO.,
LTD. D/B/A PALDO AMERICA, and PALDO
COMPANY, LTD.,

Defendants.

Case No. 13-CV-04115-WHO

Class Action

**STIPULATION TO EXTEND THE
TIME WITHIN WHICH TO ANSWER
OR OTHERWISE RESPOND TO THE
COMPLAINT; ORDER THEREON**

Civil L.R. 6-1(a)

STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT;
ORDER THEREON
CASE NO. 13-CV-04115-WHO

RECITALS

WHEREAS, on October 7, 2012, through stipulation, the Parties, by and through their respective counsel, extended Nongshim America, Inc.'s ("NS America") time to respond to the complaint in this action until November 25, 2013;

WHEREAS, the Initial Case Management Conference ("CMC") in this action is currently set for November 26, 2013;

WHEREAS, this action is one of ten currently-pending lawsuits arising out of an alleged conspiracy to manipulate the prices of Korean noodle products (the "Related Actions"). Each of the ten actions names the same four Korea-based companies and their alleged U.S. subsidiaries as Defendants;

WHEREAS, in light of the overlapping factual and legal issues presented by these different cases, on September 19, the Plaintiff in this action filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML") to transfer and consolidate the Related Actions (the "MDL Motion");

WHEREAS, the JPML set the MDL Motion for hearing on December 5 and, in ruling on that motion, will decide (a) if the cases should be consolidated and (b) in which court;

WHEREAS, to date, all of the parties that have appeared before the JPML have filed a response in support, joinder or non-opposition to transfer the related cases to the Northern District of California to be presided over by this Court;

WHEREAS, the purpose of the MDL Motion is "to eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially with respect to class certification matters), and conserve the resources of the parties, their counsel and the judiciary." *In re Hypodermic Prods. Antitrust Litig.*, 408 F. Supp. 2d 1356, 1357 (J.P.M.L. 2005);

WHEREAS, on November 5, 2013, Plaintiff in this action filed a motion for an order (1) naming an "Interim Lead Class Counsel" and "Liaison Counsel," (2) setting a schedule for the filing of a "Consolidated Complaint" by the consolidated Plaintiffs and (3) consolidating the

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1 following five actions pending in this Court (the “Indirect Purchaser Actions”): *Fenerjian v.*
 2 *Nong Shim Co., Ltd.*, Case No. 13-4115-WHO; *Bonnington v. Nong Shim Co., Ltd.*, Case No. 13-
 3 4296-WHO; *Christina Nguyen v. Nong Shim Co., Ltd.*, Case No. 13-4308-WHO ; *Thu-Thuy*
 4 *Nguyen v. Nong Shim Co., Ltd.*, Case No. 13-4335-WHO; and *Pelobello v. Nong Shim Co., Ltd.*,
 5 Case No. 13-4898-EDL (the “Motion to Consolidate”). This Motion to Consolidate was jointly
 6 filed by the Plaintiffs in all five of the Indirect Purchaser Actions.

7 WHEREAS, in the Motion to Consolidate, Plaintiffs also request leave to file a
 8 consolidated complaint with the Court on or before 45 days from the date the Court enters the
 9 consolidation order or at such other time as the Court shall order.

10 WHEREAS, the Motion to Consolidate is currently set for hearing on December 18, 2013;

11 WHEREAS, NS America’s current deadline to respond to the Complaint in this action is
 12 before the hearings on the MDL Motion and the Motion to Consolidate;

13 WHEREAS, depending on the JPML’s ruling and/or if the Court grants Plaintiffs’ Motion
 14 to Consolidate and Plaintiffs file a consolidated complaint, response to the current complaint will
 15 become moot;

16 WHEREAS, the interests of justice and judicial efficiency will be furthered by continuing
 17 the date by which NS America must respond to the complaint in this action to January 6, 2014, a
 18 date following the December 5, 2013 hearing before the JPML and the December 18, 2013
 19 hearing before this Court on the Motion to Consolidate; and

20 WHEREAS, the interests of justice and judicial efficiency will be furthered by also
 21 continuing the CMC to a date after the December 5, 2013 hearing before the JPML and the
 22 December 18, 2013 hearing before this Court on the Motion to Consolidate.

23 RECITALS

24 NOW, THEREFORE, the parties, by and through their respective undersigned counsel,
 25 hereby stipulate, and the Court ORDERS, that (1) NS America shall have an extension of time
 26 through and including **January 6, 2014** within which to respond to the complaint in this action,
 27

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whether by answer or motion or otherwise allowed by the Federal Rules of Civil Procedure, and
(2) the CMC is continued until **February 4, 2014 at 2:00 P.M.**

Dated: November 14, 2013

Squire Sanders (US) LLP

By: /s/ Anne Choi Goodwin

Anne Choi Goodwin
Attorneys for Defendant
NONGSHIM AMERICA, INC.

Dated: November 14, 2013

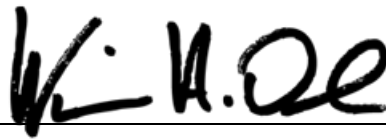
BRAMSON, PLUTZIK, MAHLER
& BIRKHAUSER LLP

By: /s/ Alan R. Plutzik

Alan R. Plutzik
Attorneys for Plaintiff STEPHEN FENERJIAN
and the Proposed Class

IT IS SO ORDERED.

Dated: November 18, 2013



HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE